

NOTATION THAT

3 CHANGED TO 3A
2-77-4132

200

2-11-82
3:00 PM

STATE OF TEXAS §
COUNTY OF TRAVIS § FIRST AMENDMENT TO RESTRICTIONS
MAN 22-82-399 * 3.00

THIS FIRST AMENDMENT TO RESTRICTIONS is made and executed this 17th day of January, 1982, by FIRST TEXAS SAVINGS ASSOCIATION, doing business as LOST CREEK DEVELOPERS, formerly known as THE MUTUAL SAVINGS ASSOCIATION, doing business as LOST CREEK DEVELOPERS (said party hereinafter referred to as "Lost Creek Developers").

W I T N E S S E T H:

WHEREAS, Restrictions (the "Restrictions") dated October 17, 1978, were filed of record by Lost Creek Developers at Volume 6336, Page 928 of the Deed Records of Travis County, Texas, which restrictions affected that certain real property known as Lost Creek, Section 3, a subdivision in Travis County, Texas, according to the plat thereof filed of record in Book 76, Pages 167 and 168 of the Travis County Plat Records (said tract hereinafter referred to as the "Property");

WHEREAS, Subsequent to the execution and filing of said Restrictions, Lost Creek Developers, after first securing all necessary joinder and consent, filed a Substitute Plat of the Property with the Travis County Plat Records in Book 81, Pages 274, 275 and 276; which Substitute Plat renamed the Property:

Lost Creek, Section 3A; and

Renamed

WHEREAS, pursuant to power granted it in said Restriction, Lost Creek Developers desires to clarify the continuing applicability of the Restrictions to the Property.

NOW, THEREFORE, Lost Creek Developers hereby amends the Restrictions to substitute the following legal description of the Property for the legal description presently contained in the Introductory Clause thereof:

Lost Creek, Section 3-A, a subdivision in Travis County, Texas, according to the plat of said subdivision of record in Book 81, Pages 274, 275 and 276 of the Travis County Plat Records.

DEED RECORDS
Travis County, Texas

FIRST AMENDMENT TO RESTRICTIONS - Page 1

7667

9

40 3A

A

2-77-4133

Lost Creek Developers further modifies said Restrictions to substitute "Section 3A" for each occurrence in such Restrictions of the phrase "Section 3".

IN WITNESS WHEREOF, said Lost Creek Developers has caused this First Amendment to Restrictions to be executed as of the day and year first written above.

FIRST TEXAS SAVINGS ASSOCIATION,
d/b/a LOST CREEK DEVELOPERS

(NO SEAL)

By: John M. Geyer
Its: Vice President

STATE OF TEXAS S
 S
COUNTY OF DALLAS S

BEFORE ME, the undersigned authority, on this day personally appeared John M. Geyer Vice President of FIRST TEXAS SAVINGS ASSOCIATION, d/b/a LOST CREEK DEVELOPERS, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said FIRST TEXAS SAVINGS ASSOCIATION, d/b/a LOST CREEK DEVELOPERS.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18th day of January, 1982.

My Commission Expires:
9-30-84 NOTARY SEAL

Carolyn Schulze
Name: Carolyn Schulze
(PRINT or Stamp Name)
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

FILED
JAN 22 3 06 AM '82
Doris S. Angeline
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED in the Volume and Page of the named RECORDS of Travis County, Texas, as stamp hereon by me, on



JAN 22 1982
Doris S. Angeline
COUNTY CLERK
TRAVIS COUNTY, TEXAS

7667-0-8482-10 ees3 * 5'00

LC 3A

8/12/81
276

VACATION OF LOST CREEK SECTION THREE
OCT 23-81 7606 * 760

78-29-50
"S-17 5001
70
2-71-2740

WHEREAS, First Texas Savings Association, formerly Mutual Savings Institution, dba Lost Creek Developers, as owner of 79.554 acres of land in Travis County, Texas, subdivided the same to be known as "Lost Creek Section Three" and after obtaining acceptance and approval of said plat by the City Planning Commission of the City of Austin, Texas, and the Commissioner's Court of Travis County, Texas, filed said plat for record in Plat Book 76, Pages 167-168, of the Plat Records of Travis County, Texas; and

WHEREAS, First Texas Savings Association, Robert W. Magee and Doyle Wilson, the owners of all the land shown on such subdivision plat desire to vacate said plat and the approval of the planning Commission of the City of Austin and the Commissioner's Court of Travis County, Texas, has been obtained to such vacation and the authorities of the City of Austin and/or Travis County, Texas have not made actual appropriation of any proposed dedication shown on such plat by entry, use, or improvements which would be disturbed by this vacation, and such vacation is authorized by law;

NOW, THEREFORE, First Texas Savings Association, Robert W. Magee and Doyle Wilson do by these presents declare the plat of Lost Creek Section Three recorded in Plat Book 76, Pages 167-168 of the Plat Records of Travis County, Texas to be vacated.

EXECUTED THIS THE 18th day of August, 1981.

FIRST TEXAS SAVINGS ASSOCIATION
JOHN M. GEYER, VICE PRESIDENT
BY: [Signature]

ROBERT W. MAGEE
[Signature]

DOYLE WILSON
[Signature]

DEED RECORDS
Travis County, Texas

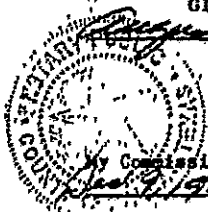
7606 177

THE STATE OF TEXAS §

COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared John H. [Signature], Vice President of FIRST TEXAS SAVINGS ASSOCIATION, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of the said FIRST TEXAS SAVINGS ASSOCIATION, for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 18th day of August, 1981 2-71-2741



E. Susan Roberson
Notary Public in and for
Dallas County, Texas
E. SUSAN ROBERSON

NOTARY SEAL

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, a Notary Public in and for Travis County, Texas, on this day personally appeared Robert W. [Signature], known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14th day of August,



Edna D. O'Donnell
Notary Public in and for Travis
County, Texas
EDNA D. O'DONNELL

NOTARY SEAL

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, a Notary Public in and for Travis County, Texas, on this day personally appeared BOYLE WILSON, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 24th day of September, 1981



Rhonda L. Gilliam
Notary Public in and for
County, Texas
RHONDA L. GILLIAM
Notary Public for Travis County, Texas
My Commission Expires 8-18-85

NOTARY SEAL

APPROVAL OF VACATION OF PLATS

Be it known that on the 6th day of October, 1981, the Planning Commission of the City of Austin, at its regular meeting, did approve the vacation of Lost Creek Section Three, a subdivision in Travis County, Texas, as shown on the map or plat thereof of record in Plat Book 76, Pages 167-168 of the Plat Records of Travis County, Texas, upon the application therefore by First Texas Savings Association, the owner of the property.

2-71-2742

David C. Bodeman
Chairman, Planning Commission of the City of Austin,
Travis County, Texas
DAVID C. BODEMAN

ATTEST:

Richard R. Little **NO SEAL**
Executive Secretary, Planning Commission of the City of Austin,
Travis County, Texas
RICHARD R. LITTLE

Richard R. Little
Director, Department of Planning of the City of Austin,
Travis County, Texas
RICHARD R. LITTLE

THE STATE OF TEXAS |
COUNTY OF TRAVIS |

BEFORE ME, the undersigned authority, on this day personally appeared David C. Bodeman, known to me to be the person whose name is subscribed to the foregoing instrument as Chairman of the Planning Commission of the City of Austin, a municipal corporation, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 6th day of October, 1981.

NOTARY SEAL

Anna L. Porter
Notary Public in and for Travis County, Texas
Anna L. Porter

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on the date and at the time stamped herein by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, as stamp herein by me, on

OCT 23 1981



Paris Agnew
COUNTY CLERK
TRAVIS COUNTY, TEXAS

FILED
OCT 23 9 01 AM '81

Paris Agnew
COUNTY CLERK
TRAVIS COUNTY, TEXAS

7606 179

600

RESTRICTIONS

THE STATE OF TEXAS }
COUNTY OF TRAVIS }

KNOW ALL MEN BY THESE PRESENTS:

1100

OCT 27 1987 6581 * 11.00

1-87-8522

That The Mutual Savings Institution, doing business as Lost Creek Developers, owner of all lots in Lost Creek, Section Three, a subdivision in Travis County, Texas, according to the map or plat of said subdivision of record in Book 76, Pages 167 and 168 of the Travis County Plat Records, hereby imposes the following covenants, conditions and restrictions upon all of said lots in said Lost Creek, Section Three to-wit:

1. With the exception of Lot 31 of Block 6, Lot 14 of Block 9 and Lot 19 of Block 10, which are entirely greenbelt, drainage, and public utility easements, and to which these covenants, conditions, and restrictions do not apply, none of said lots shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any of said lots other than one detached single family dwelling with a minimum two car garage.

2. No building wall or other structure shall be erected or placed on any of said lots in Lost Creek, Section Three nor shall any existing structure be altered, until the building plans and specifications and a plot plan have been submitted to and approved in writing by an Architectural Control Committee composed of Peter J. Link, Thomas A. Hardin, Ruben E. Trevino, or their heirs or assigns or representatives, designated in writing by the Architectural Control Committee or their heirs or assigns. Refusal of approval of plans and specifications by the Architectural Control Committee may be based on any grounds, including, but not limited to, purely aesthetic grounds, which in the sole and uncontrolled discretion of the Architectural Control Committee shall seem sufficient.

3. Careful attention shall be given by the Architectural Control Committee to all proposed improvements which will be placed on lots with slopes exceeding 20%. Particular caution will be requested so as to minimize filling and cutting of natural terrain. In many instances, it is contemplated that the Architectural Control Committee may require "pier and beam" type foundation for said improvements in lieu of standard "slab on grade". In any event, said requirement shall be at the sole discretion of the Architectural Control Committee.

4. No house or other structure shall remain unfinished for more than one year after the same has been commenced. Construction of the residential improvements shall begin no later than two years after ownership of the lot has been legally transferred from Lost Creek Developers.

1-87-8523

5. The Architectural Control Committee shall have the right to waive any and all of the restrictions and may from time to time amend the same.

6. The ground floor area of the main structure, exclusive of one floor open porches and garages, shall be not less than 1800 square feet for a one-story dwelling, nor less than 1500 square feet for a dwelling of more than one story on any of the lots.

7. No building shall be located on any of said lots nearer to the front lot line or nearer to the side street line than the minimum building set-back lines shown on the recorded plat. In any event, no building shall be located on any of said lots nearer than 25 feet to nor farther than 35 feet from the front line, or nearer than 10 feet to any side street line; except, however, minor variations of the maximum or minimum set-back line shall be permitted to allow for preservation and utilization of existing trees or views. No building shall be located nearer than 5 feet to an interior lot line, except that any garage or other permitted accessory building located 50 feet or more from the minimum building set-back line may be 3 feet from the lot line. No dwelling shall be located on any of the interior lots nearer than 25 feet to the rear lot line. For the purposes of this covenant, eaves, steps and open porches shall not be considered as part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon any other lot.

8. No dwelling shall be erected or placed on any of said lots having a width of less than 50 feet at the minimum building set-back line nor shall any dwelling be erected or placed on any of said lots having an area of less than 12,000 square feet, except that dwellings may be erected or placed on lots as shown on the recorded plat of Lost Creek, Section Three. No lot in the subdivision may be resubdivided so as to create more than one building site.

9. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear 7.5 feet of each lot in Lost Creek, Section Three.

10. No noxious or offensive activity shall be carried on upon any of said lots, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No clothes line may be visible from any public street. No unsightly or elaborate antennae for receiving and/or transmitting televisions and/or radio signals will be allowed, excepting this restriction is not to be construed to prohibit the smaller conventional television

rooftop antennae for normal viewing purposes.

1-87-8524

11. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any of said lots at any time as a residence either temporarily or permanently. No recreation vehicle, trailer, camper or other mobile-type home may be parked openly in the street, driveway or at any such place that may be seen from the street or by adjoining property owners for a period of more than 36 hours.

12. No sign of any kind shall be displayed to the public view on any of said lots except one professional sign of not more than five (5) square feet advertising property during construction and sale periods.

13. No oil drilling, oil development, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any of said lots, nor shall oil wells, tanks, tunnels, mining excavations, or shafts be permitted upon or in any of them. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any of said lots.

14. No part of any of said lots shall ever be used for a business or commercial purpose or for carrying on any trade or profession.

15. No corner lot may be resubdivided or used so as to permit an additional dwelling to face on a side street.

16. No animals, livestock or poultry of any kind shall be raised, bred, or kept on any of said lots, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.

17. None of said lots shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

18. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot herein described within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street property lines extended. The same sight line limitations shall apply on any of said lots within ten feet from the intersection of a street property line with the edge of a driveway or alley

6336 930

5

LC 3A

1-87-8525

pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient heights to prevent obstruction for such sight lines.

19. No fence, wall or hedge shall be built or maintained forward of the front wall line of any house erected on any of said lots. No existing dwelling shall be moved onto any lot in this subdivision.

20. All fences shall be made of wood.

21. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty (30) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the owners of a majority of the lots in Lost Creek, Section Three, has been recorded, agreeing to change said covenants, conditions and restrictions in whole or in part.

22. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

23. Invalidation of any one of these covenants by judgment or a court order shall nowise affect any of the provisions, which shall remain in full force and effect.

24. All lots with Lost Creek Section Three which are required by the plat to have a sidewalk, shall have a concrete sidewalk installed at such time as a residence is constructed thereon, along the street right-of-way between the lot line and the curb line or within such sidewalk easements as may be provided on the lot, whichever the case may be, and construction shall be in accordance with the specifications of the City of Austin, Texas.

EXECUTED this the 17th day of October, A.D., 1978.

THE MUTUAL SAVINGS INSTITUTION
d/b/a Lost Creek Developers

(CORPORATE SEAL)

By: Thomas A. Hardin
Thomas A. Hardin
Senior Vice President

Attest:

Susan Milstead
Susan Milstead
Assistant Secretary

6 6336 931

LC 3A

THE STATE OF TEXAS }
COUNTY OF TRAVIS }

1-87-8526

Before me the undersigned authority on this day personally appeared Thomas A. Hardin, Senior Vice President of the Mutual Savings Institution, known to me to be the person and officer whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same as the act and deed of said corporation for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 17th day of October, 1978.

NOTARY SEAL

Betsy Albrecht
Betsy Albrecht
Notary Public in and for Travis County, Texas
Commission Expires 4/26/80

COUNTY OF TRAVIS
STATE OF TEXAS
I hereby certify that this instrument was FILED on the
date and at the time stamped hereon by me; and was duly
RECORDED, in the Volume and Page of the named RECORDS
of Travis County, Texas, as Stamped hereon by me, on

OCT 17 1978



Louis H. ...
COUNTY CLERK
TRAVIS COUNTY, TEXAS

FILED

OCT 17 2 09 PM '78

Louis H. ...
COUNTY CLERK
TRAVIS COUNTY, TEXAS

6336 932

7

LC 3A